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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/659,934
Filing Date: September 11, 2003
Appellant(s): WU ET AL.

Andrew T. Spence
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed August 9, 2008 appealing from the Office action mailed March 28, 2008.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is substantially correct. The changes are as follows:

Pending Claims 15-19, 21, 25-29 and 31 stand rejected under 35 U.S.C. § 102(b) as being anticipated by PCT Patent Application Publication No. WO 01/33804 to Leppinen; and the remaining claims, namely Claims 1-5, 7-12, 14, 22, 24, 32 and 34-38, *(not 34-48, as recited by the appellant, claims numbered 39-48 were never introduced, see claims appendix)* stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Leppinen, in view of Official Notice of facts outside the record.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

Leppinen, Mika; "System and Method for effective use of air link between mobile stations and Gateway servers." (WIPO Publication No. 01/33804 A2).

Fielding, R. et al; "Hypertext Transfer Protocol -- HTTP 1.1" RFC 2616, June 1999, accessed <<http://www.ietf.org/rfc/rfc2616.txt>>, pp. 1, 39-40.

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 15-19, 21, 25-29, and 31 are rejected under 35 U.S.C. 102(b) as being anticipated by Leppinen (WIPO Publication No. WO 01/33804 A2).
3. As to claim 15, Leppinen discloses an apparatus comprising:
a processor configured to communicate with a host over a second network independent of a first network (column 6, lines 28-34, gateway server reads on processor, web server reads on host),
wherein the processor configured to receive a first response from the host (column 6, line 34-column 7, line 3),

wherein the first response includes a redirection to a resource at a second location and (column 6, lines 34-column 7, line 3, "HTTP redirection message indicating the new location of the requested content or resource") is responsive to a first request sent from a terminal to the host over the first network and the second network (column 3, lines 31-34 and column 6, lines 28-34),

wherein the first request identifies the resource at a first location on the host (column 6, lines 28-34),

wherein the processor is configured to reformulate the first request into a second request that identifies the resource at the second location (column 7, lines 3-7), and

thereafter send the second request to a host of the resource at the second location such that the host of the resource at the second location responds to the second request with a second response (column 7, lines 3-7),

wherein the terminal includes a terminal proxy, and wherein the processor is configured to send the first response and the second response to the terminal proxy (page 7, lines 10-16, mobile station includes a "terminal proxy", as the mobile station receives both the first response (new URL) and the second response (resource)).

4. As to claim 25, it is rejected by the same rationale set forth in claim 15's rejection.

5. As to claims 16 and 26, Leppinen discloses receiving a first response from the host that identifies the resource at the second location (column 6, lines 9-13).
6. As to claims 17 and 27, Leppinen discloses sending a first hypertext transfer protocol (HTTP) request (column 6, lines 28-34), and wherein the host is configured to send a first HTTP response that includes a 3xx "Redirection" status code (column 7, lines 1-3, the "HTTP redirection message" will inherently be of 3xx status in HTTP).
7. As to claims 18 and 28, Leppinen discloses the network proxy is configured to examine the first response to determine if the first response identifies the resource at the second location, and if the first response does not identify the resource at the second location, send the first response to the terminal (column 6, lines 6-18), and
wherein the network proxy is configured to reformulate the request and sending the second request if the first response does identify the resource at the second location (column 6, lines 19-25).
8. As to claims 19 and 29, Leppinen discloses the terminal is configured to send a first hypertext transfer protocol (HTTP) request (column 5, lines 22-25), wherein the host is configured to send a first HTTP response (column 7, lines 1-3) and

wherein the network proxy is configured to examine the first response to determine if the first response includes a 3xx "Redirection" status code to thereby determine if the first response identifies the resource at the second location (column 7, lines 3-16, the "HTTP redirection message" will inherently be of 3xx status in HTTP).

9. As to claims 21 and 31, Leppinen discloses compressing at least one of the first response and the second response before sending the first response and second response to the terminal proxy (column 7, lines 10-16).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 1-5, 7-12, 14, 22, 24, 32, and 34-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leppinen, and further in view of what is well known and expected in the art.

12. As to claim 1, Leppinen discloses a system for requesting a resource over at least one network (Abstract), the system comprising:

a terminal including a client application and configured to send a first request for the resource over a first network and a second network (column 3, lines 31-34 and column 6, lines 28-34, mobile station reads on terminal);

a host configured to receive the first request, and thereafter send a first response, wherein the first request identifies the resource at a first location on the host (column 5, line 32-column 6, line 1, web server reads on host) ;

a network proxy configured to communicate with the host over the second network independent of the first network (column, 6, lines 28-34, gateway server reads on network proxy)

wherein the network proxy configured to receive the first response from the host (column 6, line 34-column 7, line 3),

wherein the network proxy configured to reformulate the first request into a second request that identifies the resource at a second location (column 7, lines 3-7), and

wherein the network proxy is configured to send the second request to a host of the resource at the second location such that the host of the resource at the second location responds to the second request with a second response (column 7, lines 3-7), and

a terminal proxy configured to communicate with the client application independent of the first network, wherein the terminal proxy is configured to

receive the first response and the second response from the network proxy and the terminal proxy sends the first and second responses to the client application (page 7, lines 10-16, mobile station includes a "terminal proxy").

But, Leppinen does not explicitly disclose the client application reformulates the first request into a third request and sending the third request to the terminal proxy such that the terminal proxy sends the resource to the client application.

However, Official Notice is taken that such steps would have been obvious to one of ordinary skill in the art at the time of the invention, given the explicit teachings of Leppinen. Specifically, Leppinen discloses sending both the requested resource (the second response) and the new location information (the first response) to the mobile station, with the new location information being given so as to update the history file with the new URL; thus to one of ordinary skill in the art any subsequent request for the resource (i.e. a third request) need only be serviced by the mobile station itself, most likely by a cache. Further, as the specification of the applicant indicates that the terminal proxy is collocated with the terminal (page 11, lines 28-30), any such cache on the mobile station of Leppinen (while perhaps not explicitly disclosed by Leppinen, use of caches was notoriously well known in the art at the time of the invention) reads on the terminal proxy. Therefore, one of ordinary skill in the art would view it as obvious that a reformulated request in Leppinen is already present (i.e. any cache

retrieval) or that the request is extraneous, as the mobile station already made aware of the new location of the requested resource.

13. As to claim 8, it is rejected by the same rationale set forth in claim 1's rejection.

14. As to claim 22, Leppinen discloses an apparatus for requesting a resource over at least one network, the apparatus comprising:

a client application configured to send a first request for the resource to a host over the first network and the second network (column 3, lines 31-34 and column 6, lines 28-34), the first request identifying the resource at a first location on the host (column 6, lines 28-34), wherein the client application is configured to send the first request in a manner so that the host sends a first response that a network proxy receives over the second network independent of the first network (column 3, lines 31-34 and column 6, lines 28-34), reformulate into a second request that identifies the resource at a second location (column 7, lines 3-7), and send the second request to a host of the resource at the second location such that the host of the resource at the second location responds to the second request with a second response (column 7, lines 3-7); and

a terminal proxy configured to communicate with the client application independent of the first network, wherein the terminal proxy is configured to receive the second response and thereafter send the second response to the client application (column 10, lines 10-16, the terminal proxy is inherent at the

mobile station (terminal) as the second response is received in the form of the header which gives the location of the new URL to the mobile station (terminal)), wherein the terminal proxy is also configured to receive the first response, wherein the terminal proxy is configured to send the first response to the client application and the second response to the client application (column 7, lines 10-16, mobile station includes a "terminal proxy").

But, Leppinen does not explicitly disclose the client application reformulates the first request into a third request and sending the third request to the terminal proxy such that the terminal proxy sends the resource to the client application.

However, Official Notice is taken that such steps would have been obvious to one of ordinary skill in the art at the time of the invention, given the explicit teachings of Leppinen. Specifically, Leppinen discloses sending both the requested resource (the second response) and the new location information (the first response) to the mobile station, with the new location information being given so as to update the history file with the new URL; thus to one of ordinary skill in the art any subsequent request for the resource (i.e. a third request) need only be serviced by the mobile station itself, most likely by a cache. Further, as the specification of the applicant indicates that the terminal proxy is collocated with the terminal (page 11, lines 28-30), any such cache on the mobile station of Leppinen (while perhaps not explicitly disclosed by Leppinen, use of caches was

notoriously well known in the art at the time of the invention) reads on the terminal proxy. Therefore, one of ordinary skill in the art would view it as obvious that a reformulated request in Leppinen is already present (i.e. any cache retrieval) or that the request is extraneous, as the mobile station already made aware of the new location of the requested resource.

15. As to claim 32, it is rejected by the same rationale set forth in claim 22's rejection.

16. As to claims 2 and 9, Leppinen discloses the terminal first network comprises a wireless network (column 5, lines 2-13), and the second network comprises a wireline network (column 5, lines 2-13, mobile station (terminal) uses a wireless network and is in communication with webserver (host) via the gateway (network proxy) using a standard wired network).

17. As to claims 3 and 10, Leppinen discloses sending a first hypertext transfer protocol (HTTP) request (column 6, lines 28-34), and wherein the host is configured to send a first HTTP response that includes a 3xx "Redirection" status code (column 7, lines 1-3, the "HTTP redirection message" will inherently be of 3xx status in HTTP).

18. As to claims 4 and 11, Leppinen discloses the network proxy is configured to examine the first response to determine if the first response identifies the resource at the second location, and if the first response does not identify the resource at the second location, send the first response to the terminal (column 6, lines 6-18), and
- wherein the network proxy is configured to reformulate the request and sending the second request if the first response does identify the resource at the second location (column 6, lines 19-25).
19. As to claims 5, and 12, Leppinen discloses the terminal is configured to send a first hypertext transfer protocol (HTTP) request (column 5, lines 22-25), wherein the host is configured to send a first HTTP response (column 7, lines 1-3) and wherein the network proxy is configured to examine the first response to determine if the first response includes a 3xx "Redirection" status code to thereby determine if the first response identifies the resource at the second location (column 7, lines 3-16, the "HTTP redirection message" will inherently be of 3xx status in HTTP).
20. As to claims 7 and 14, Leppinen disclose the invention substantially with regard to the parent claims 6 and 13, and further disclose:

compressing at least one of the first response and the second response before sending the first response and second response to the terminal proxy (Leppinen, column 7, lines 10-16); and

uncompressing the compressed at least one of the first response or the second response before sending the respective response to the terminal (Leppinen, column 7, lines 10-16).

21. As to claims 24 and 34, they are rejected by the same rationale set forth in claim 7's rejection.

22. As to claims 35-38, Leppinen discloses the first response sent from the host, received at the network proxy, received at the terminal proxy and sent from the terminal proxy to the client application of the terminal includes a redirection to the host of the resource at the second location from which to receive the resource to complete the first request (page 7, lines 10-16).

(10) Response to Argument

The examiner summarizes the various points raised by the appellant and addresses replies individually.

(1) The appellant argues, in regards to the 35 U.S.C. 102(b) rejections of claim 15-19, 21, 25-29, and 31 and the 103(a) rejections of claims 35-38, that the Leppinen

reference (WIPO Publication No. WO 01/33804 A2) does not teach sending first and second responses to the terminal proxy, the first response including a redirection to a resource at a second location. Further contending that under no reasonable interpretation of independent claim 15 may a new URL alone correspond to a redirection and nowhere does Leppinen teach or suggest that this redirection response is sent to any proxy of the mobile station.

In reply to argument (1), firstly, the examiner contends the “HTTP redirection message indicating the new location of the requested content or resource” sent in response by the web server (column 6, line 34-column 7, line 3) in Leppinen reads upon “the first response (*HTTP redirection message*) including a redirection to a resource at a second location (*the new location*)” as recited in the claim. Further, as the specification of the appellant indicates that “the terminal proxy” is collocated with the terminal (page 11, lines 28-30) and the claim recites, “wherein the terminal includes a terminal proxy,” it is the examiner’s contention that the mobile station in Leppinen (reading on the terminal in claim) includes a “terminal proxy”, as the mobile station receives both “the first response” (the HTTP redirection message including new URL in Leppinen) and the second response (reading on the requested resource/content in Leppinen) (column 7, lines 10-16). That is any software, hardware or combination thereof on Leppinen’s mobile station would read on any such “terminal proxy” since the claim broadly recites, “the processor [of the terminal] is configured to send the first response and the second response to the terminal proxy” and Leppinen’s mobile station clearly processes the

HTTP redirection message and the requested resource (column 7, lines 14-16, being one such example). Such examples of the claim's "terminal proxy" in Leppinen would include, but are not limited to, the various applications or software components resident on the mobile station to execute the method of Leppinen's invention, i.e. the processor of the mobile station necessarily needs to send both the HTTP redirection message and the resource to the software designed to handle them.

For at least the above reason, claims 15-19, 21, 25-29, and 31, and 35-38 stand rejected.

(2) The appellant argues, in regards to the rejections of claims 3, 5, 10, 12, 17, 19, 27, and 29, that Leppinen does not disclose a first HTTP response 3xx "Redirection status" code.

In reply to argument (2), the examiner contends, as explained above, Leppinen discloses a "HTTP redirection message indicating the new location of the requested content or resource" sent in response by the web server (column 6, line 34-column 7, line 3), i.e. "a first HTTP response" as recited in the claims. Further, as Leppinen discloses "a HTTP redirection message," it will inherently include a 3xx "Redirection" status code, as any HTTP redirection message will be of 3xx status. HTTP messages conform to the standards defined in RFC 2616, as acknowledged by the appellant on page 1, lines 11-16.

See the attached reference, "Hypertext Transfer Protocol –HTTP/1.1" as evidence of inherency. Specifically, page 39, lines 8-9, "3xx Redirection..." and page 40, lines 23-27; *"HTTP applications are not required to understand the meaning of all registered status codes, though such understanding is obviously desirable. However, applications MUST understand the class of any status code, as indicated by the first digit [e.g. the "3" in a redirection message], and treat any unrecognized response as being equivalent to the x00 status code of that class, with the exception that an unrecognized response MUST NOT be cached."*

For at least the above reason, claims 3, 5, 10, 12, 17, 19, 27, and 29 stand rejected.

(3) The appellant argues, in regards to the rejections of claims 7, 14, 21, 24, 31, and 34, that Leppinen does not disclose compressing at least one of the first response or the second response before being sent to the terminal proxy.

In reply to argument (3), the examiner contends Leppinen discloses compressing at least one of the first response or the second response before being sent to the terminal proxy (column 7, lines 10-16, the resource (second response) is coded and transmitted wirelessly using WAP).

For at least the above reason, claims 7, 14, 21, 24, 31, and 34 stand rejected.

(4) The appellant argues, in regards to the 35 U.S.C. 103(a) rejections of claims 1-5, 7-12, 14, 22, 24, 32, and 34-38, that the Examiner did not, in fact, take Official Notice of facts capable of instant and unquestionable demonstration as being well known so as to defy dispute and contending that even if one could argue that it would have been obvious for Leppinen's mobile station to formulate a subsequent request for the resource based on the new URL, that does not support the mobile station formulating that subsequent request in response to receiving the new URL (alleged first response), similar to the recited client application reformulating the first request into the third request in response to the first response. Leppinen explicitly discloses that its mobile station receives the resource with the resource's new URL; and as such, Appellants question the extent the mobile station would even respond to the new URL by again requesting the resource. Contending, nowhere under Leppinen alone or in combination with any alleged Official Notice does the mobile station reformulate a subsequent request in response to the new URL, similar to independent Claim 8 reformulating a first request into a third request.

In reply to argument (4), the examiner contends that Leppinen discloses all limitations of independent claims 1, 8, 22, and 32, (see reply to argument 1, and grounds of rejection), except that the client application reformulates the first request into a third request and sending the third request to the terminal proxy such that the terminal proxy sends the resource to the client application.

But, Leppinen discloses sending both the requested resource (the second response in the claim) and the new location information (the first response in the claim) to the mobile station (terminal with terminal proxy in the claim), with the new location information being given so as to update the history file with the new URL (column 7, lines 10-16); thus to one of ordinary skill in the art any subsequent request for the resource (i.e. a third request) need only be serviced by the mobile station itself, most likely by a cache. Further, as the specification of the applicant indicates that the terminal proxy is collocated with the terminal (page 11, lines 28-30), any such cache on the mobile station of Leppinen (while perhaps not explicitly disclosed by Leppinen, use of caches was notoriously well known in the art at the time of the invention and used in order to increase the speed of data retrieval thus making their use obvious) reads on the terminal proxy. Therefore, one of ordinary skill in the art would view that a reformulated request in Leppinen is already present (e.g. any cache retrieval) or that the request is extraneous, as the mobile station is already made aware of the new location of the requested resource. Such reformulated requests would occur during web navigation (i.e. since the resources are web pages, when a user revisits a previously retrieved web page the requests associated with that retrieval would read on a reformulated request; column 5, lines 1-21 in Leppinen discloses the use of the invention in a web browsing environment) and would be responsive to the first response in that such a request would not occur if the resource was not present in the cache and the new URL (part of the first response) was not in the updated history file.

For at least the above reason, claims 1 -5, 7-12, 14, 22, 24, 32, and 34-38 stand rejected.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Thomas J. Dailey

/T. J. D./

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